

## REMARKS

The present amendment is in response to the Office Action dated December 16, 2004. Claims 1-31 are now present in this case.

The Examiner will kindly note that representation in this matter has been transferred to another attorney. A revocation/substitute power of attorney is attached hereto. A change of address and request to amend the attorney docket number are enclosed herewith.

Claims 1, 4, 6, 7, 9, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,301,514 to Canada et al. combined with U.S. Patent No. 5,289,160 to Fiorletta. The applicants respectfully traverse this rejection. With respect to claims 1 and 9, the Office Action states that Canada does not specifically disclose the process of repeatedly receiving an information request message and sending information in response. The Office Action asserts that Fiorletta teaches such repetition. It should be noted that there is no motivation presented in the cited references to combine the teachings of Canada and Fiorletta. The repeated sending/receiving may be important in the context of Fiorletta's tire-pressure warning system in which an immediate warning of pressure problems is necessary for safety reasons. However, nothing in the art suggests that such is needed in the context of the system described in Canada. Canada describes a factory monitoring process. The Office Action asserts that the motivation to combine references is found in Fiorletta "in order to warn a driver of a vehicle of low pressure in one or more of its tires so that the driver may take corrective action before a tire blowout occurs." (See Office Action, page 10.) However, the Office Action is describing the motivation for the invention of Fiorletta (*i.e.*, a low tire-pressure warning system). This does not describe any motivation for combining references. As such, claims 1 and 9 should be allowed over these references.

Claims 4 and 12 are purportedly rejected over the combination of Canada and Fiorletta. However, page 3 of the Office Action refers to the teachings of Canada and Japanese Patent Publication JP 10303796A by Japan Radio Company Ltd. The combination of Canada and Fiorletta do not suggest detecting a communication failure

on a data traffic channel. Accordingly, claims 4 and 12 are clearly allowable over Canada and Fiorletta.

Similarly, the Office Action rejects claims 6 and 7 over the combination of Canada and Fiorletta, but describes the rejection in terms of “the teachings of Canada and Page. The combination of Canada and Fiorletta do not teach or suggest delaying a random period of time prior to sending a message, Therefore, claims 6 and 7 are clearly allowable over Canada and Fiorletta.

The Office Action also rejects claim 13 over the combination of Canada and Fiorletta, but describes a rejection on the bases of “the teachings of Canada, Serikawa and Chikuma.” (See Office Action, page 3.) The combination of Canada and Fiorletta do not suggest detecting a communication failure on a data traffic channel and tearing down the data traffic channel. Claims 13 is clearly allowable over Canada and Fiorletta.

Claims 2, 3, 5, 8, 10, 11, and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Canada and Fiorletta further combined with Japanese Patent Publication JP 353068103A to Chikuma. The applicants respectfully traverse this rejection. The entire Chikuma reference is one single English language sentence that does not provide sufficient information to even qualify as an enabling disclosure. It is impossible to determine from the single sentence whether Chikuma is even related to a wireless system. Even if *arguendo*, Chikuma is directed to wireless system, it does not suggest sending and receiving in response to a detected problem. Rather, the one sentence English abstract describes a process by which accumulated data is transmitted “to the master station with the reception of the polling signal when the power is failed in the slave station.” Chikuma does not initiate anything in response to the detected problem, but merely transmits data in response to a polling signal. Therefore, claims 2, 3, 5, 10, 11, and 14 are allowable over the combination of references.

The Office Action, on page 3, rejects claims 8 and 15-17 in view of the combination of Canada, Fiorletta, and Chikuma. However, the discussion of these claims on page 4 of the Office Action refers only to Canada and fails to describe the relevance of such combination in rejecting these claims. With respect to claims 15 and 16, nothing in the combination of Canada, Fiorletta, and Chikuma suggests receiving

data from transceiver units at random points in time. The section of Canada cited as purportedly teaching such transmission is a mischaracterization of Canada. Only a portion of the sentence is quoted. When considered in its entirety, the sentence in Canada merely states that the “system is configured so that only one element of the system is communicating at any given time.” This does not imply receiving data at random times, but merely states that only one element is active at a time. Claims 15 and 16 are clearly allowable over the cited references.

Claims 18-21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Canada combined with U.S. Patent No. 6,347,092 to Serikawa et al. combined with Chikuma. The applicants respectfully traverse this rejection. With respect to claims 18-21, there is no motivation presented in the prior art to combine the teachings of any of these references. It is noted that Canada and Serikawa are directed to different subject matter and classified in different International classes, different U.S. classes, and contain no overlapping fields of search. One skilled in the art having knowledge of Canada would be extremely unlikely to combine the teachings of Canada with those of Serikawa, as suggested in the Office Action. The inapplicability of the one sentence abstract of Chikuma has previously been discussed. Nothing in Chikuma suggest any motivation to combine the references in the manner suggested in the Office Action. The applicants respectfully request the Examiner point out, with specificity, any teaching within these references that would motivate one to combine the teachings in the manner suggested in the Office Action. Claims 18-21 are clearly allowable over this combination of references.

Claims 22-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada and Japanese publication No. JP 10303796A to Japan Radio Co. Ltd. The applicants respectfully traverse this rejection. It should be noted that the Japan Radio reference is an English language abstract of a Japanese Patent Publication and contains no enabling details of operation. However, even if *arguendo* the Japan Radio reference were relevant, the combination of references do not suggest detecting a communication failure on a data traffic channel and polling the wireless transceiver unit for information in response to detecting the failure.

The Office Action states that the title and abstract of the Japan Radio publication are relevant. However, the title merely refers to a polling method in a satellite communication system when a failure is detected in a substation that does not hold predetermined data. Failure detection in a substation does not suggest detection of a communication failure involving a wireless transceiver unit. As stated in the abstract, "the method involves transmission of an appeal from a main station to a substation. The substation sends a response signal." The Japan Radio publication does not suggest polling the wireless transceiver in response to detecting a communication failure. Rather, the Japan Radio publication teaches exactly the opposite. That is, data is transmitted in response to "an appeal from a main station." One type of data is transmitted when a failure is not detected and a different type of data transmitted when a failure is detected. There is no suggestion of polling in response to detecting a communication failure. Accordingly, claim 22 is clearly allowable over the combination of references. Claims 23-25 are also allowable in view of the fact that they depend from claim 22, and further in view of the recitation in each of those claims.

Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada and U.S. Patent No. 6,108,785 to Poisner. The applicants respectfully traverse this rejection. With respect to independent claim 26, there is no motivation present in the cited references to combine the teachings of Canada and Poisner. It is further noted that the U.S. classification and fields of search in Canada and Poisner are totally different. Poisner has no relation to wireless communication technology and is directed to techniques for preventing unauthorized usage of a computer system. One skilled in the art having the knowledge of Canada would be extremely unlikely to combine Poisner as suggested in the Office Action. The applicants respectfully request that the Examiner provide, with specificity, the motivation within these references that would lead to such combination. Furthermore, even if *arguendo*, such combination were suggested, it does not suggest the claimed invention. The Office Action states, on page 8, that Canada teaches "receiving information from each wireless transceiver unit at random points in time (column 14, lines 14-17, see 'at any time')." (See Office Action, page 8.) This a gross mischaracterization of the cited

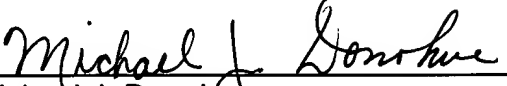
section of Canada in which three words are purported to teach receiving data from wireless units at random points of time. Rather, the section cited in the Office Action refers to the fact that devices are installed in the order of their assigned communication time slice position. Canada states that "installation can be terminated and resumed at any time by transmitting the appropriate signal." Thus, the phrase "at any time" refers to the fact that the installation process can be interrupted and resumed. This does not teach or suggest receiving data from wireless transceiver units. Accordingly, claim 26 is clearly allowable over the combination of Canada and Poisner. Dependent claims 27-28 are also allowable in view of the fact that they depend from claim 26, and further in view of the recitation in each of those claims.

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Canada and U.S. Patent No. 6,594,284 to Page et al. the applicants respectfully traverse this rejection. With respect to claim 29, there is no motivation present in the cited art to combine the teachings of Canada and Page. It is noted that the U.S. classification and fields of search for Canada and Page are completely different. One skilled in the art having knowledge of Canada would be extremely unlikely to combine the teachings of Page in the manner suggested in the Office Action. Furthermore, even if combined in the manner suggested in the Office Action, it does not suggest the claimed invention. As discussed above with respect to claim 26, the Office Action grossly mischaracterizes Canada when stating that it teaches delaying for a random period of time and cites column 14, lines 14-17 in support of that position. The fact that one can terminate installation of a unit and resume installation at any time does not suggest delaying for a random period of time in response to receiving an information request message. Page, which is directed to a technique for network synchronization inserts a carefully chosen delay time at a node to properly synchronize remote sensors, such as seismic sensors. (See column 7, lines 1-9.) This teaches directly away from delaying for a random period in response to receiving an information request. Therefore, claim 29 is clearly allowable over the combination of Canada and Page. Claims 30-31 are also allowable in view of the fact that they depend from claim 29, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. In an effort to advance prosecution of this case, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

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